

HAMILTON COUNTY BOARD OF COMMISSIONERS  
MARCH 11, 2008

The Hamilton County Board of Commissioners met on Tuesday, March 11, 2008 in Conference Room 1A in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. President Altman called the meeting to order at 12:00 noon and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt.

**Handbook Revisions**

Ms. Sheena Randall presented revisions to the Employee Handbook.

Uniforms

Mr. Mike Howard stated the policy regarding uniforms will state that other than Sheriff's uniforms, all uniforms will have to be approved by the Commissioners, actual maintenance uniforms will be highway and parks department. Everything else is income unless approved by the Commissioners prior to purchase and shall be added to the employee's W-2. If it is added to an employee W-2 it is their property unless it has an emblem or insignia that designates them as a law enforcement official and it must be returned at the end of their employment. Ms. Dawn Coverdale stated the current ordinance states that no purchases will be made. Howard stated it does not say it as clearly as it could be, it will say that any purchase made that is not approved by the Commissioners in advance will be added to their income. Altman stated she does not like that, we are buying their clothes and they only have to pay after tax; we should not pay anything unless we have approved it. At the time of approval we will determine if it is to be put on a W-2. Dillinger stated he does not like it, we have department heads, give them direction and they will do it. Dillinger stated isn't it our duty to set the rules and if there is a problem we will deal with it. Randall stated her only concern is consistency. If you are going to say no polo's, it is no polo's across the board. Howard stated we will list examples, we can't let department heads decide what a uniform is. Altman stated she does not want the county buying their clothes, whether it has an emblem on it or not, it is not an appropriate. We should be buying uniforms for the Sheriff's officers, Parks Department maintenance, and our maintenance staff. Holt asked what about the Health Inspectors? Altman stated they can have a picture ID and wear their street clothes, we are better off saying official ID. Randall stated when they have the concert series at Cool Creek that have a very bright T-shirt that says concert staff, those are good. Howard stated they have to stay at the Parks Department and never leave. They still have to be approved in advance. Howard stated the most important exception is what is required by OSHA, he does not see them as accepted. Holt stated he likes the polo's, they look nice. Altman stated what is the difference between buying the Auditor's office clothes and the Surveyor's office? Howard stated this is their compensation. Dillinger asked what is the difference between uniform as taxable or not? Howard stated the statute states "adaptable to personal use". Holt stated if we issue the T-shirt or polo or fleece and it goes on your W-2, does that not solve it? Howard stated if we do that we comply with the IRS guidelines. Howard asked if there are line items in the budgets? Coverdale stated there are a few departments that have a uniform line item. If they have a service that comes in they take it out of contractual services. Altman stated a standard would be that if their job description involves the general public where it is important to identify them as a specific member of the county team: that would be a distinguishing factor. That covers the Surveyor and Health Inspectors. Ms. Robin Mills stated not according to the IRS. Altman stated it would still be on the W-2. Howard stated there are two issues, people buying clothes and IRS compliance. Altman stated we would put a limit on the purchase. Coverdale stated we have Probation Officers also. Altman stated if they are out in the field. Howard stated the clothing will belong to the employee if it is on their W-2, even if the county paid for it because the employee is paying the taxable value, except for law enforcement. Mills asked if Community Corrections would fall under that? Howard stated law enforcement is defined by arrest power and the authority to carry a gun. Altman stated the Correctional officers in Work Release need to be identified easily and quickly in the facility. Howard stated Community Corrections may be one department the Commissioners allow in their discretion. Holt stated the issue is if it is taxable. Altman stated the Sheriff's concern is that it gives an appearance of law enforcement. Howard stated the distinguisher is the emblem of the Hamilton County Sheriff. Randall stated all things identified as non-taxable, such as the maintenance department smocks, does not apply to them. Howard stated it is taxable. Holt stated we are buying it, they are paying the taxes. Randall stated it was her understanding, from their meeting with the IRS, that the smock is non-taxable. Randall stated it is the polo shirt that is at issue, those things that are true uniforms that they are directed to wear, they don't have a choice.

Section 1.1 – Acknowledgment, Use and Revision of Employee Handbook

Randall stated there have been issues with employees not signing off on the Handbook and not signing the Acknowledgment of Amendments. Randall stated it is a problem when we begin the process of termination; this Acknowledgment has to be on file. Every time we have to appear at an unemployment hearing the first thing the Judge asks is where is your signature that this person knew what the rules were and they broke them. The Personnel Committee has discussed this and a suggestion has been made that we require new hires to sign off on the Handbook within two weeks and if they don't they do not receive benefits until they do. They will not get insurance benefits or leave time. Howard stated it should be made five days, what is important is that it gets signed. Dillinger stated he does not think we can withhold benefits. Dillinger stated they should not start employment until it is done. Altman stated during orientation they get an opportunity to read the Handbook, they sign it and they get paid to read it, up to four hours. Holt stated the problem is the revisions. Randall stated they don't get the Handbook until their first day. Howard stated when they receive a conditional offer of employment they should receive the Handbook. Randall stated she is not always involved in all of the offers of employment, she does not see them until they have their orientation. Altman stated this way they have been compensated for the time it takes to read the Handbook. Coverdale stated that will help with the I-9 issues, it is supposed to be signed within three days of beginning work. Altman stated the first day of employment they have their Birth Certificate and their Drivers License or they go home. Dillinger stated this will have merit, it will be an ordinance; this is a condition of employment. Randall stated after they are hired and we have handbook amendments the new language will state that they are required to read the amendment, sign the acknowledgment and if they don't they are subject to disciplinary actions. Altman asked if we can terminate them if we make it a condition of employment? Howard stated we need to put a time limit on it. Randall asked what do we do about an employee that refuses to sign and the Department Head refuses to make them sign, can the Commissioners terminate an employee? Altman stated it is employment at will. Howard stated if they do not comply with our general rules and regulations we stop paying them. Altman asked that on this round of amendments the acknowledgement should include language that the employee acknowledges receiving the base handbook and all previous amendments.

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Randall stated the Prosecutor has requested “At-Will” be included throughout the Handbook and in bold, Howard stated it has placed in once on page two and that should be sufficient. The Prosecutor has also asked that language regarding separation of powers be included.

Randall added the language “Elected Officials and Department Heads may establish interdepartmental procedures outlining more specific details and/or directives for these County policies.” The Prosecutor has asked that language be added stating the Prosecuting Attorneys would follow this other than what she outlines to be different. Howard stated that is not going to be the case; there may be a few areas that will be expressed. Howard stated it will say “will be excluded” from specific sections of which the Prosecutor and he will discuss. Randall stated the language she has written validates that the Prosecutor has to follow the standards for everything, federal and state legislation. Howard stated if there are expressed things, he has asked the Prosecutor to give him the expressed items in writing and why. If they are conditions of employment that affect us as the employer ie: the person who writes the checks, they will not be exempted.

Section 1.3 – Personnel Administrative Committee – Job Classification System

Randall stated the Prosecutor has requested the Personnel Committee voting members to be identified and has requested the Elected Officials and Department Heads be told all reasons why the Personnel Committee has denied them. Altman stated the Personnel Committee has no formal authority, they are recommendation only. Holt stated she can appeal to the County Council. Howard stated it is good to include the voting members, but he does not agree with providing findings of fact. Altman asked if minutes of the Personnel Committee are distributed? Randall stated no, they send a response stating the Personnel Committee has reviewed their request and what the recommendation is but no details are given. Commissioners agreed to include the Personnel Committee voting members but to not include that Elected Officials and Department Heads be given verbatim minutes of the Personnel Committee.

Vacancies – New Hires/Transfers

Randall stated the Prosecutor has had recruitment issues and has requested language to give her permission to make an offer of employment and then go to Council and/or Personnel Committee. The Prosecutor has asked to have the ability to have up to a certain dollar amount to offer. Randall stated a percentage should be set and criteria of what is above entry level for every position which may be subjective. This will be a challenge. Howard stated you can’t do that, a conditional offer must specify that any offer above the minimum is subject to approval of County Council. She can’t make offers to people but that offeree is going to assume they have a job for “x” amount of dollars. She is going to expressly say that she is going to try and hire you for “x” but right now I only have an amount of money less than “x” and that is the only guarantee. Howard stated this will create a challenge. Altman stated the answer is no. Randall will leave this section as is.

Midpoint

Randall stated the policy currently states that when people move to midpoint after three to five years if they have above average performance appraisals. Randall changed the language to say that depending on available revenue, to move employees with above average to excellent performance appraisals toward the midpoint range after five years of continuous service and above average performance. Mills stated they want to do away with midpoints. Certain Council members have told her that if she comes up with something different they would do that. Midpoint is not fair, no one follows the rules, they hire above entry level and everybody moves to midpoint, it is very inconsistent. There are years when the Council does not approve raises and it skews the whole process so then you are playing catch up. Mills stated they have discussed a pay grid by using longevity, job performance, and cost of living (COLA). Altman stated Council has always done COLA. The midpoint was to do something for merit but it really was for longevity. Altman asked if we can come up with a grid system that makes sense? Randall stated the premise is that this should be a Council guideline as part of the budget process and not part of the Handbook. Howard stated that makes sense. Holt concurred. Randall stated all of the red section on pages 4 & 5 will be removed and the last paragraph in red will be removed from the original handbook.

Section 1.5 Management Rights

Randall stated the Prosecutor has requested language stating “The above enumeration of management rights is not inclusive of all such rights and all rights granted the County by constitution, statute, charter, ordinance, or in any manner are retained by the County.” The Commissioners agreed to include this language.

Section 1.6.1 Drug Testing for Employees Not Covered By Section 1.6.2

Randall stated some Department Heads want to implement drug testing. Under Section 1.6.1a the reasonable suspicion language was added stating “which is not considered safety sensitive or security sensitive within Hamilton County. Section 1.6.4. Random Drug Testing section added. Howard stated they are still working on the security sensitive issue. The Prosecutor believes that should apply to anybody who handles probable cause affidavits in the Clerk’s office, Probation Officers and everybody else. Murphy stated we know we can do random drug screens for public safety and people with CDL’s. Deputy Prosecutors and Sheriffs fall under the statutory definition of law enforcement. Randall stated they will have to bring their program to Human Resources and the Attorney for review before it is implemented and then the language will be added to all of the job descriptions with the employees signing off. Holt discussed the confidentiality statement requested by the Prosecutor – if she were prosecuting Elliot Spitzer and the Clerk handling that file could make \$10 million leaking the fact situation going into the probable cause; the Prosecutor’s Association has something on drug testing and whether confidentially is an issue. Holt recommended asking the Prosecutor to show us where the Prosecutor’s State Association says employees in positions of high confidentiality are required to submit to drug testing.

Section 1.10 Bloodborne Pathogens

Randall stated Section 1.10 has been revised to include language regarding compliance with the Hepatitis B Vaccinations. Randall stated we make them get their shots after orientation, if they do not have valid documentation. They can not work for the county unless they have the shots. If they have a medical condition and the Supervisor wants to hire them the Supervisor can hire them temporarily and during that time they are not allowed to perform any duties that would have exposure. Altman asked temporary continues to a point that we are exposed we can fire them? Howard stated we give them six months; we need to add the language “within a six month period and failure to do so would result in termination”. The Commissioners approved.

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Section 2.1 Recruitment

Randall stated under Section 2.1, Recruitment, add “In addition, position vacancies may be posted on the County web page and other appropriate web advertising sites as a tool in the recruitment process.” Approved.

Section 2.6 Employment Reference and Background Checks

Randall will add “The Human Resources Department will assist supervisors in the recruitment process by conducting background checks for criminal history and license verifications.” Randall stated the Prosecutor has requested adding #8 “All candidates for employment, volunteer positions, internships, or other compensated or non-compensated positions within the Prosecutor’s Office.” Approved.

Section 2.7 Personnel Files

Randall stated in Section 2.7 adding language stating that the Department Head and/or Elected Official can send Performance Appraisals to the Human Resources Department in a sealed envelope. The Human Resources Director will be able to view Performance Appraisals after reasonable notice to the appropriate Elected Official and/or Department Head. Randall asked for consistency in the language, the Prosecutor has asked that written permission from the employee or a Court Order be added. Howard stated “after reasonable notice to the Elected Official or Department Head that supervises the employee or obtained written permission from the employee or upon Court Order. Approved.

Section 2.12 Outside Employment and 2.11 Performance Evaluations

Randall stated in Section 2.12 Outside Employment, the Prosecutor has requested language that no full-time Deputy Prosecutors may perform outside legal services for compensation and part-time Deputy Prosecutors may only perform outside legal services for compensation with the written approval of the Elected Prosecutor. Approved.

Section 3.2 Work Hours

Randall stated in Section 3.2 the Prosecutor proposed the language “Regular work hours for the Prosecutor’s Office are established by the Elected Prosecutor.” Randall stated we have the ability now that any Elected Official and/or Department Head to set flex time for their staff. Howard stated the Handbook states when the office is opened and closed, it is not work hours. This is redundant; the proposed language will be stricken. Holt asked if we let the Judges, Sheriff and Community Corrections do it, why would we not let the Prosecutor do it who is also covered by State authority? Howard stated the first paragraph is pertaining to work hours not regular office hours. Howard stated the language should be retained. Holt stated we let the Judges, Sheriff and Community Corrections do it, why would we not let the Prosecutor do it, who is also called under State Authority. Language will be added.

Section 3.11.1 Compensatory Time for Non-Exempt Employees

Randall recommended adding “the public safety employees may accrue a maximum of 104 hours and employees working in Correctional Dispatch positions may accrue a maximum of 62.50 compensatory time hours before monetary compensation is paid.” Randall stated prior to going onto Kronos the Sheriff’s Department, public safety employees and dispatch would accrue a separate bank for holiday leave and instead of Kronos having to create another bank for holiday leave Randall suggested taking the amount that they allowed them in that separate bank and add it to the comp time bank. This allows them three extra days, whether they work 8 hours per day or 7.5 hours per day to increase, typically 80 hours for public safety and with the three days it would be 104 hours. The employees in distpatch are 40 hour a week employees with three days added would make them 62.5 hours. Coverdale stated since they are now online with Timekeeper there is no way they could pay out all of the compensation that is out there if every one of them walked out. Granted that would not happen, but they complain because they can’t get their time taken now and you are going to let them accrue more and put more liability on the county? They don’t need the 80 hours they are getting; they should be paid for it. The overtime we pay out is phenomenal. We have to pay comp hours when it is requested and they don’t have the money at the end of the year to pay it out. Mills stated they will be out of overtime at the Jail in March. Coverdale stated the Jail is having issues because of the construction and having to maintain three or four different locations, but this is all over. Holt asked what is the Sheriff’s argument for allowing this? Randall stated this is an amount of leave they have always been awarded. Holt asked why would we not pay them? Why would I want to accrue comp time instead of getting paid? Coverdale stated for a Christmas bonus. Holt asked what percentage of employees carry 104 hours? Coverdale stated we could get that information. Holt stated when the Council does the budget for the Sheriff’s Department that number could be plugged in. Howard stated this is a management issue, there needs to be a buy down and it needs to be done in a reasonable amount of time. Coverdale stated we are doing that with the rest of the county. Randall stated we went from 280 hours to 80 hours and 240 hours to 40 hours. Coverdale stated right now when someone hits the maximum hours the system automatically pays it out. Altman asked what happens if we don’t put this language in? Randall stated their cap stays at 40 hours and 80 hours. Altman voted to take it out. Holt confirmed that the plan is being left as it is. Randall stated yes.

Section 3.11.2 Exempt Employee Policy and Excess Benefit Time

Randall stated the only changes are that when we had EBT (Excess Benefit Time) we only had people working 37.5 hours and when we changed our list for some exempt people at the Sheriff’s Department we now have 40 hour employees. The language adds 40 hours. Approved.

**FMLA**

Randall distributed FMLA information for review.

Due to scheduling the Commissioners will schedule another meeting to complete the review of the Handbook revisions. Altman asked if there is any controversial item that needs addressed before they meet again?

Section 6.13 Principles of Employment/Work Rules

Howard stated under Section 6.13 Principles of Employment/Work Rules the language requested by the Prosecutor stating “the procedure outline in this policy is not a mandatory or binding procedure. Nothing stated in this section changes the employee’s At-Will status.” Proposed language will be removed.

Section 6.13.1 Progressive Discipline

Howard stated under Section 6.13.1 Progressive Discipline – d. Discharge – Documented for employee’s file: Language requested by the Prosecutor “depending upon the severity of the behavior being disciplined, the Elected Official/Department Head may skip or omit steps of Discipline as outlined above.” Proposed language will be added.

Add - f. “Violations pertaining to ethical standards, legal obligations, and/or confidentiality may be regarded within the most severe areas of review for disciplinary action.” Proposed language will be added.

Altman adjourned the meeting.

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**Present**  
Christine Altman, Commissioner  
Steven C. Dillinger, Commissioner  
Steven A. Holt, Commissioner  
Robin M. Mills, Auditor  
Dawn Coverdale, Chief Deputy Auditor  
Michael Howard, Attorney  
Darren Murphy, Attorney  
Fred Swift, Administrative Assistant to Commissioners  
Sheena Randall, Human Resources Director  
Kim Rauch, Administrative Assistant to Auditor

APPROVED  
HAMILTON COUNTY BOARD OF COMMISSIONERS

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ATTEST

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Robin M. Mills, Auditor